

1964

In the final analysis, not only the consumers but the regulated industries themselves should have a vital, long-range stake in effective regulations. The regulated industries for some years have been countering charges that they are monopolies with the contention that they are "regulated in the public interest." In view of the past history of regulation, we have always considered this a somewhat specious argument. But if the public gets the impression that the regulatory agencies more and more are merely tools of the industries they regulate, then there will be a complete lack of confidence by the public in the argument that monopolistic public service companies are "regulated in the public interest."

By the time this issue of Public Power reaches its readers, the question of Mr. Ross' reappointment may already have been decided. If so, we hope the decision will strengthen rather than weaken the public's confidence in the regulatory process.

### CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The substitute amendment, as amended, is open to further amendment.

Mr. McCLELLAN. Mr. President, I call up my amendment No. 550, and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arkansas will be stated.

The CHIEF CLERK. It is proposed, on page 20, line 10, immediately after the period, to insert the following new sentence:

Nothing contained in this subsection shall be construed to authorize the Commission to withhold any evidence or testimony or any transcript or record from any court, any committee of the Congress, or any subcommittee of any such committee.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. McCLELLAN. This is another one of my good amendments. The reason I say it is good is that the statute as proposed needs clarification.

I invite attention to the part of the bill which it would amend—namely, subparagraph (g), on page 25, which provides:

No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than 1 year, or both.

My amendment merely adds, at the close of that paragraph, the following words:

Nothing contained in this subsection shall be construed to authorize the Commission to withhold any evidence or testimony or any transcript or record from any court, any committee of the Congress, or any subcommittee of any such committee.

With the provision as it now stands, question could very well arise as to whether Congress or the courts could secure information that the committee may take and secure in executive session.

The Senate should not set up a Frankenstein that would have greater power than Congress. The bill should be explicit, and should provide that Congress shall have a right to call congressional committees, if necessary, to inquire into such matters and to obtain those records; and, likewise, so should the court.

Mr. HART. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, the amendment offered by the Senator from Arkansas would add nothing to existing law on the subject; but of course there is the certainty that the amendment would produce great harassment aimed at the Commission and its work, and would tend to negate the value of providing for executive sessions for certain types of testimony. That would be one certain outcome, should the amendment be adopted. The likelihood is great that it would also add nothing with respect to existing law on the subject.

For these reasons, I hope the Senate will reject the amendment.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN (when his name was called). Mr. President, on this vote, I have a pair with the distinguished Senator from Texas [Mr. TOWER]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Florida [Mr. SMATHERS], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Arizona [Mr. HAYDEN] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from Virginia [Mr. ROBERTSON] would vote "yea."

On this vote, the Senator from Florida [Mr. SMATHERS] is paired with the Senator from California [Mr. ENGLE]. If

Florida would vote "yea," and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kentucky [Mr. MORTON] is detained on official business.

The pair of the Senator from Texas [Mr. TOWER] has been previously announced.

The result was announced—yeas 32, nays 60, as follows:

[No. 377 Leg.]

### YEAS—32

Bennett	Holland	Pearson
Byrd, Va.	Hruska	Russell
Byrd, W. Va.	Johnston	Simpson
Cotton	Jordan, N.C.	Sparkman
Dominick	Jordan, Idaho	Stennis
Eastland	Lausche	Talmadge
Ellender	Long, La.	Thurmond
Ervin	McClellan	Walters
Fulbright	Mecham	Williams, Del.
Hickenlooper	Monroney	Young, N. Dak.
Hill	Mundt	

### NAYS—60

Aiken	Fong	Metcalf
Allott	Gore	Miller
Anderson	Gruening	Morse
Bartlett	Hart	Moss
Bayh	Hartke	Muskie
Beall	Humphrey	Nelson
Bible	Inouye	Neuberger
Boggs	Jackson	Pastore
Brewster	Javits	Pell
Burdick	Keating	Prouty
Cannon	Kennedy	Proxmire
Carlson	Kuchel	Randolph
Case	Long, Mo.	Ribicoff
Church	Magnuson	Saitonstall
Clark	Mansfield	Scott
Cooper	McCarthy	Smith
Curtis	McGee	Symington
Dodd	McGovern	Williams, N.J.
Douglas	McIntyre	Yarborough
Edmondson	McNamara	Young, Ohio

### NOT VOTING—8

Dirksen	Hayden	Smathers
Engle	Morton	Tower
Goldwater	Robertson	

So Mr. McCLELLAN's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 378 Leg.]

Aiken	Dirksen	Jordan, N.C.
Allott	Dodd	Jordan, Idaho
Anderson	Dominick	Keating
Bartlett	Douglas	Kennedy
Bayh	Eastland	Kuchel
Beall	Edmondson	Lausche
Bennett	Ellender	Long, Mo.
Bible	Ervin	Long, La.
Boggs	Fong	Magnuson
Brewster	Gore	Mansfield
Burdick	Gruening	McCarthy
Byrd, Va.	Hart	McClellan
Byrd, W. Va.	Hartke	McGee
Cannon	Hickenlooper	McGovern
Carlson	Holland	McIntyre
Case	Hruska	McNamara
Church	Humphrey	Mecham
Clark	Inouye	Miller
Cooper	Jackson	Monroney
Cotton	Javits	Morse
		Morton

June 16

Moss  
Mundt  
Muskie  
Nelson  
Neuberger  
Pearson  
Pell  
Prouty  
Proxmire

Randolph  
Ribicoff  
Russell  
Saltonstall  
Scott  
Simpson  
Smith  
Sparkman  
Stennis  
Symington

Talmadge  
Thurmond  
Walters  
Williams, N.J.  
Yarborough  
Young, N. Dak.  
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

# READINGS ON THE AMERICAN CREDO—BY PROF. JOSEPH F. SMITH, OF THE UNIVERSITY OF HAWAII

Mr. MOSS. Mr. President, I yield myself 1 minute.

Last evening in the New Senate Office Building, Prof. Joseph F. Smith, of the University of Hawaii, delivered a recital—a series of readings on the American Credo. In addition to the great readings, Professor Smith gave his own commentary on the American Credo. Those who were present to hear Professor Smith were deeply moved by his brilliant and oft-time inspired reading and commentary. All of us felt strengthened and uplifted at hearing again the story of our heritage in the inspired words of some of our great documents, our national anthem, and modern writings. I regret that the entire membership of the Senate was not there to hear this evening of reading by one of the great interpreters of our time.

The junior Senator from Hawaii [Mr. Inouye] introduced Professor Smith, his long-time friend. He and the senior Senator from Oregon [Mr. Morse], also a long-time friend were cohosts at the recital as a compliment to me. To them I express my deep gratitude. To Professor Smith my former university teacher, I say that I am most grateful and honored.

## THE WAR IN SOUTHEAST ASIA

Mr. MORSE. Mr. President, I yield myself such time as it may take to deliver this speech.

Aside from all the other mistakes the United States is making in southeast Asia, we have now added the mistake of fighting a war there anonymously. At least, there are those who seem to think it is possible for the United States to engage in warfare without admitting that we are doing it.

Today's New York Times carries an item from its reporter in Hong Kong that:

Reliable sources in Washington reported last weekend that U.S. Air Force jets had bombed Communist gun positions in Laos last Tuesday after two Navy planes had been downed. But there were no reports that U.S. planes were involved in the raid Thursday.

The same story includes an item from Vientiane, Laos, that Premier Souvanna Phouma said that:

Laotian Air Force fighters had never bombarded the Pathet Lao headquarters at Khang Kay. Concerning American planes, please contact the U.S. Embassy for information.

Mr. President, it is very interesting that the head of the Laotian Government does not know whether a key base in his country has been bombed or not or who bombed it. There is no doubt that it was bombed; but that is a part of the cover-up that I charge on the floor of the Senate today the U.S. Government is carrying out deliberately and intentionally to conceal from the American people the facts concerning this government's illegal course of action in southeast Asia.

From Manila, the New York Times reports:

The Department of Foreign Affairs said today that U.S. planes based in the Philippines had not been used in action on the mainland of southeast Asia. The statement said the U.S. Embassy here had assured the Acting Foreign Secretary, Librado Cayco, of this after reports that jets based at Clark Air Base had been used to attack Communist antiaircraft positions in Laos.

The editors of Aviation Week are not controlled by the Philippine Government. Aviation Week is a reliable source of information upon our air activities. The current issue of Aviation Week, dated June 15, states flatly that American planes are attacking in Laos, that they are coming from Clark Air Force Base in the Philippines, and that it is now official U.S. policy to refuse to acknowledge responsibility or participation in this aerial war.

Aviation Week states:

President Johnson has decided upon a punch-for-punch military policy for southeast Asia with the built-in safety valve of not admitting to such strikes as the bombing last week of the Red Pathet Lao headquarters and flank concentration in the Plaine des Jarres by eight U.S. Air Force North American F-100's from Clark Field in the Philippines. The strike came after Communist groundfire downed two U.S. aircraft over the same area.

White House advisers who have sold the policy to the President contend this approach will convince the Communists the United States means business without escalating southeast Asian wars. Officially admitting U.S. bombing raids, the theory goes, would compel the Communists to outdo the United States in some dramatic and dangerous fashion, or lose face.

Newsmen felt the impact of this new policy last week as they vainly sought official White House, State Department, and Pentagon comment on Communist radio reports that 6 U.S. jets dropped 12 bombs and fired 2 rockets on Phong Savang, one of the Communist strongholds in the Plaine des Jarres.

What the newsmen got was the runaround. White House press spokesmen referred questions to the State Department which in turn referred them to the Pentagon. Arthur Sylvester, Pentagon information chief, continued the game by tossing the ball back to State. At State, news spokesman Richard I. Phillips would say only that reconnaissance flights over Laos "will be undertaken in close consultation with the Royal Laotian Government."

Unarmed Navy Ling-Temco-Vought RF-8's are flying reconnaissance over Laos, escorted by armed F-8's which have been given the authority to fire back if fired upon. One RF-8 and one of the armed escorts were downed by the Communists, setting the stage for the counterpunch.

This lack of official confirmation, reminding of the Cuban information fiasco, led

craft which did the bombing were Navy F-8's. Actually, they were F-100's from the 405th Tactical Fighter Wing at Clark Field.

President Johnson appears ready to use the Air Force F-100's and other aircraft poised nearby to continue this new counterpunch policy in southeast Asia. This get-tough policy for international problems contrasts with the "let us reason together" technique he has relied upon to solve domestic problems.

As the United States pursues warfare in southeast Asia that is illegal both under international law and under the U.S. Constitution—and the bombings in Laos are clearly illegal under article IV of the Geneva Accords of 1962—we are encouraged by Australia that alleged ally of ours under SEATO, to continue fighting.

Despite its well-distributed press releases and the statements of its Foreign Minister, whose statement is an insult to the intelligence of anyone who will look into the facts, Australia's contribution to the war in Vietnam continues to be almost negligible.

When its Foreign Minister announces that Australia is "doubling" its advisers in South Vietnam, one would be impressed if one did not know that the figure being doubled is 30. In fact, if one listened to the Secretary of State in the Committee on Foreign Relations yesterday, he would have been impressed with Australia's role, until the facts were brought out as to what that role is.

Listen to the facts as to what the role of this alleged ally of ours—Australia—is. And of any country or state in southeast Asia, which has a vital interest in South Vietnam one would think it would be Australia. Also New Zealand, another alleged ally has walked out on us in respect to South Vietnam. Who does the Foreign Minister of Australia think he is fooling? Why, Australia is increasing its advisory force from 30 to 60 advisers and you can be sure they will keep them away from the combat zone.

I have not heard yet of any casualty among these Australian advisers. Furthermore we are not going to hear of any. Australia is perfectly satisfied to endorse instead the American war effort and encourage us to continue it unabated. It is all right with Australia to have American boys die in South Vietnam.

Australia is a member of the United Nations. Australia ought to be presenting a petition before the United Nations to bring the southeast Asia crisis within the framework of international law instead of egging the United States on to continue an obviously illegal course of action in southeast Asia.

Australia also promises to contribute some air transport in the form of six planes and crews—but not right away. No, this six-plane Australian Air Force is not to be available until 4 months from now. Undoubtedly, Australia hopes that the issue will be resolved by then, before any Australian planes get anywhere near a battle zone. The Australian six planes will be contributed for the purpose of getting materiel into South Vietnam. They will not be combat planes.

I point out to the American people that Australia is not offering any com-



1964

bat air forces. She is not offering to attack Communist antiaircraft positions in Laos. Instead, she offers encouragement to the United States to do the attacking, the fighting, and, of course, the dying if anyone is killed. Four months from now, she promises to have some transport planes and crews on the scene.

The anonymous war—and it is not anonymous in fact to the Communists any more than it is to the United States or to those who are egging us on—that we are conducting in Asia should be stopped by the American people. If it is not stopped, it will carry them into a full-scale war on the Asian mainland. The chances are that if it does, we will fight the war with even fewer allies than the number presently standing on the sidelines and offering little more than diplomatic encouragement to us to keep fighting. Our SEATO allies have walked out on us. Oh, yes, they will be glad to have us do their bleeding for them. Once again, I call their roll: Australia, New Zealand, Pakistan, Thailand, Philippines, Great Britain, and France.

Mr. President, I ask that the article published in the New York Times of June 16, 1964, entitled "Peiping Warns United States Risks Retaliation With Laos Flights," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**PEIPING WARNS UNITED STATES RISKS RETALIATION WITH LAO FLIGHTS—SAYS SOUTHEAST ASIA PEACE IS HANGING BY THREAD—RENEWES FARLEY CALL**

(By Seymour Topping)

HONG KONG, June 15.—Communist China asserted today that U.S. air operations in Laos were inviting retaliatory action.

Warning that "peace in Indochina and southeast Asia is hanging by a thread," Peiping pressed its demand for the prompt reconvening of the 1962 Geneva Conference on Laos.

Jenmin Jih Pao, official organ of the Chinese Communist Party, said in a lengthy editorial that the United States bore responsibility for the bombing Thursday of Peiping's mission at the headquarters of the Communist-led Pathet Lao at Khang Khay, in north-central Laos. One Chinese was reported to have been killed and five staff members were said to have been injured.

Rejecting denials by the U.S. Embassy at Vientiane, Laos, that U.S. planes were involved in the attack Thursday, the editorial charged that the bombing had been planned by the Johnson administration as a premeditated and deliberate provocation against Communist China.

**PLANES DESCRIBED AS LAO**

The raid was reportedly carried out by T-28 trainer aircraft converted to fighter bombers that were supplied to the right-wing Laotian Air Force by the United States. Strikes by the Laotian Air Force and reconnaissance flights by U.S. Navy planes began last month after Pathet Lao troops had attacked neutralist forces on the Plaine des Jarres.

Reliable sources in Washington reported last weekend that U.S. Air Force jets had bombed Communist gun positions in Laos last Tuesday after two Navy planes had been downed. But there were no reports that U.S. planes were involved in the raid Thursday.

Western analysts here said the editorial had apparently been intended to exert pressure for acceptance of Peiping's demand for reconvening the Geneva conference without delay. This demand was put forward in notes sent to Britain and the Soviet Union cochairman of the Geneva Conference which guaranteed Laotian independence and neutrality.

The notes strongly protested the Khang Khay bombing.

However, analysts also noted that the editorial had hinted more strongly than any previous statement that Chinese Communist forces might become directly involved in the Laotian conflict.

"Having reconnoitered intensively and taken detailed aerial photographs, U.S. aircraft dropped their bombs into quarters of the Chinese economic and cultural mission in Khang Khay, which flew the flag of the People's Republic of China," the editorial asserted. "This is a deliberate provocation."

It continued:

"We want to question the Johnson administration: What are you planning to do? Do you intend to force the Chinese people to react to your provocations? It appears that U.S. imperialism is trying to use force to carry out intimidation in an attempt to compel the Chinese Government and people to renounce their stand of upholding the Geneva agreements."

Signatories of the Geneva agreement in 1962 pledged to refrain from military involvement in Laos.

**UNITED STATES BEGAN AID IN 1963**

The United States, which signed the agreement, undertook military aid to the right-wing and neutralist forces after Pathet Lao troops, which operate with North Vietnamese cadres, attacked the neutralists in April 1963.

The consensus among analysts here was that Peiping wished to avoid direct involvement in the Lao conflict but that it had virtually committed itself to some kind of action if U.S. flights and Lao Air Force bombings of the Pathet Lao continued.

They said Peiping was obviously cautious because of its limited capabilities for action. Intervention by the outdated Chinese Communist Air Force would risk humiliation by the more modern U.S. fighters operating from aircraft carriers and from Thailand.

**PATHET LAO MOVE HINTED**

In its warnings that general civil war in Laos might result from U.S. action, Peiping has implied that Pathet Lao forces might be unleashed. For 2 years, the Pathet Lao has had the military capability to seize Vientiane and the Mekong River Valley, which borders on Thailand. But it has been deterred by the prospect of U.S. intervention.

A decision to allow the Pathet Lao to take Vientiane would require the agreement of North Vietnam, which has provided cadres and supplies for the Pathet Lao and occasionally entire supporting units.

Both Communist China and North Vietnam would then be confronted with the danger of turning the conflict into general war by the counteraction of the United States and its allies of the Southeast Asia Treaty Organization.

The editorial suggested that Peiping was still placing its hopes on the reconvening of the Geneva Conference and the consideration of not only Laos but also the war in South Vietnam and the issues raised by the pursuit of Communist guerrillas across the Cambodian border.

**PREMIER DENIES BOMBINGS**

VIENTIANE, LAOS, June 15.—Premier Souvanna Phouma said today that Laotian Air Force fighters did not bomb the headquarters of the Communist-led Pathet Lao at Khang Khay.

In answer to a written question asking

him to comment on Pathet Lao and Peiping charges that either Laotian or U.S. fighters dropped bombs on Khang Khay last Thursday, the neutralist Premier said: "Our planes have never bombarded Khang Khay. Concerning American planes, please contact the U.S. Embassy for information."

However, he added that "to my knowledge, there have been no [American] reconnaissance flights by jetplanes on June 11, 12, and 13."

U.S. reconnaissance flights are escorted by jet fighters.

**PATHET LAO GETS WISH**

VIENTIANE, June 15.—Premier Souvanna Phouma's office announced today that the Government had agreed to allow Pathet Lao officials and troops to leave the administrative capital of Vientiane as they had requested.

The action came as Government troops were reported to be regrouping around Muong Soui in an attempt to save that stronghold on the main Communist supply route from North Vietnam.

**DENIAL IN PHILIPPINES**

MANILA, June 15.—The Department of Foreign Affairs said today that U.S. planes based in the Philippines had not been used in action on the mainland of southeast Asia.

The statement said the U.S. Embassy here had assured the Acting Foreign Secretary, Librado Cayco, of this after reports that jets based at Clark Airbase had been used to attack Communist antiaircraft positions in Laos.

**PEIPING RETALIATION DOUBTED**

WASHINGTON, June 15.—Officials within the administration expressed the view today that Communist China, despite its threats of retaliation, was not likely to enter the Laotian conflict and risk the danger of general war.

They also believed that the Communist-led forces in Laos would not start a major offensive now. They said the reconnaissance flights being flown by U.S. Navy jets were helpful in determining this.

Meanwhile, the administration curtailed public comment by officials on U.S. air operations in Laos. But no doubts were left that the reconnaissance flights would be maintained as long as necessary and that the escort aircraft would hit back against any Communist fire.

Assurances that this would be so were reported to have been given by Secretary of State Dean Rusk in a 2-hour closed meeting with the Senate Foreign Relations Committee.

Other officials have said the role of the escort aircraft was to protect the unarmed reconnaissance planes whenever they were attacked.

They emphasized privately that the reconnaissance flights would be maintained as long as required and that no terminal date had been contemplated when the operations began May 21.

The flights, they said, are designed to check on the movements of the Communist-led Pathet Lao and the North Vietnamese troops in Laos and to discourage them from undertaking any drive against the strategic Mekong River Valley.

**SILENCE MAINTAINED**

Aside from this broad statement of policy, however, there was no disposition here, even in private comments, to discuss the day-to-day air operations over Laos and the most recent Chinese Communist charges that U.S. jets had again attacked Communist positions.

The State Department Press Officer, Richard I. Phillips, said that he would not offer any official aspect of the situation and that he would not discuss any Chinese Communist allegations.

13424

June 16

Mr. Rusk also refused to be drawn into discussions of the flights, except to say after the session before the Senate committee that the Laotian regime had requested the reconnaissance flights and that "we are escorting our own planes."

However, the tone of the administration's thinking was reflected in a remark after the Rusk appearance by Senator J. W. Fulbright, of Arkansas, the committee's chairman, that if U.S. aircraft in Laos were attacked by Communist fire "they are justified in defending themselves."

Mr. MORSE. Mr. President, the article points out what some of the Communist reaction is. Of course, we can ignore Communist reaction. Those who wanted to ignore it before the Korean war, when they were saying that the Chinese would not come in learned to their regret that we cannot afford to ignore Communist reaction.

I hate China and what it stands for. But China is an ugly Communist reality on the face of the globe.

The United States cannot set itself up as the policeman of the world. If we think that we are going to police the world, we will lead the American people in the not-too-distant future into a major war in Asia. It will be a war that cannot be won for the simple reason that such a war in all probability will lead to a nuclear war. Out of that war will come no victor.

At the meeting of the Foreign Relations Committee on yesterday, in the presence of the Secretary of State I renewed my urging that we take this war in southeast Asia to the United Nations. I announced again, as I did the last part of last week on the floor of the Senate, the most recent alibi of the Secretary of State as to why we are not getting into the United Nations with this issue. The State Department claims that it has committed itself to the Congress to challenge France and Russia at the next meeting of the General Assembly under article XIX because France and Russia are in arrears. They owe money to the United Nations and therefore under article XIX their rights to vote can be challenged. The United States is going to make the fight at any meeting of the General Assembly, to make that the issue in order to see to it that Russia and France do not vote until they pay up their financial arrears.

As I have suggested, the State Department needs to reread the Charter of the United Nations. A procedure is provided for in the Charter that makes it possible to request the convening of an extraordinary session of the General Assembly of the United Nations.

Yesterday I renewed my proposal to the Secretary of State suggesting that we ought to call for such a meeting. We ought to make it perfectly clear that we are asking for the calling of such a meeting for the limited jurisdictional purpose of considering the war in Asia. We ought to make it perfectly clear that we are willing to waive any question involving Russia and France under article 19 for the purpose of the special meeting, but serve clear notice that when a regular meeting of the General Assembly is

called, we will raise then the question of their being in financial arrears.

Mr. President, we cannot justify before the world our failure or refusal to request the United Nations to act by trying to maintain peace in Asia.

Our failure to date to take the threat to peace in Asia to the United Nations, as the State Department is now advancing our alibi, is that under article 19 France and Russia are in arrears and therefore the General Assembly would be immobilized as an effective instrument for maintaining peace in Asia. Such an alibi is pure nonsense.

I say that the question of war or peace is too serious for us to delay trying to solve through the United Nations. We should urge the applying of the procedures of international law to Asia. Let us face up to the fact that we have a clear duty to lay the matter before the United Nations.

I close by saying again to the Secretary General, Mr. U Thant, as I have in past speeches here in the Senate: "What are you doing Mr. Secretary General? What are you doing in attempting to bring the United Nations into action on Asia? It would appear that you are abdicating your responsibilities. By your inaction you are permitting this threat to the peace of mankind to build itself up at an accelerated rate in Asia? As the Secretary General of the United Nations, you are apparently not taking steps to bring the United States to an accounting, to bring North Vietnam to an accounting, to bring all the violators of the Geneva Accords and the United Nations Charter to an accounting."

I believe that our country ought to be held to an accounting just as well as any other violator of the United Nations Charter. I am satisfied that the United States has been violating the United Nations Charter for months gone by.

At long last there was some intimation that finally some consideration would be given by the Secretary of State to my proposal that the crisis in Asia should be taken to the United Nations. I hope that at long last my Government will give serious consideration to getting back within the framework of international law. It must stop making war in Asia. It must stop its outlawing. It must stop killing American boys without a declaration of war. It must stop undercutting the United Nations. It must stop substituting American military might for the peaceful procedures of international law as set forth in the United Nations Charter and the many other treaties which the United States has signed and is now violating by its acts of war in South Vietnam and Laos.

Mr. DODD. Mr. President, I yield myself 3 minutes of my own time.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. DODD. Mr. President, I have an item that I have just taken off the news ticker in the lobby. It reads as follows:

WASHINGTON.—The State Department, reversing earlier denials, said today that "some American civilian pilots" are flying sorties over the eastern part of the Congo.

The Central Congolese Government has been using U.S.-built T-28 combat planes in the Bukavu area against rebel forces which reportedly have had some Chinese Communist contacts.

Charges came from Red China some days ago that American fliers were operating the T-28's on combat missions. Press reports from the Congo also said that American civilian pilots under contract to the Congolese Government had made many sorties in the embattled region.

As recently as late yesterday afternoon a spokesman said the State Department's "information is that no American citizen pilots are flying these planes in combat missions in the Congo."

Today press officer Richard I. Phillips was asked whether any Americans were operating T-28's in the Congo and he replied:

"In response to inquiries the department has checked through the American Embassy in Léopoldville and is now informed that some American civilian pilots under contract with the Congolese Government have flown T-28 sorties in the last few days in the eastern part of the Congo."

I remember very well that a year or two ago, when I spoke in the Senate about the Congo, I was clobbered with the accusation that Katanga was using mercenaries. That was supposed to be a dreadful thing.

The statement has a strange ring when the State Department acknowledges that the Congo Government is now using American mercenaries. Apparently it depends on whose mercenaries are hired.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. RUSSELL. At the time when we had the discussion of the Tshombe mercenaries, no one denied that they were being paid by Tshombe out of the treasury of Katanga. However, it is highly likely that the pilots to whom the Senator refers are being paid by funds transferred by this Government to the Congo. Is that correct?

Mr. DODD. The Senator is quite correct. That is, I believe, the only difference between this situation and the one which existed prior to this. I merely wish to call it to the attention of my fellow Senators, so they may be aware of the situation.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1041) temporarily extending the program of insured rental housing loans for the elderly in rural areas under title V of the Housing Act of 1949, in which it requested the concurrence of the Senate.

#### HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1041) temporarily extending the program of insured rental housing loans for the elderly in rural areas under title V of the Housing Act of 1949, was read twice by its title, and referred to the Committee on Banking and Currency.